

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10994-NMG

PARENTS OF DANIELLE

Plaintiff,

v.

MASSACHUSETTS DEPARTMENT OF
EDUCATION, DAVID P. DRISCOLL,
COMMISSIONER; and SCHOOL
COMMITTEE FOR THE TOWN OF
SHARON: SAM LIAO, ANDREW
NEGENZAHN, DONALD GILLIGAN, JANE
FURR, MITCH BLAUSTEIN and SUZANNE
PEYTON

Defendants

**JOINT MOTION OF PLAINTIFFS AND SCHOOL COMMITTEE DEFENDANTS TO
EXTEND DATES FOR PRODUCTION OF DOCUMENTS TO AND INCLUDING
FEBRUARY 7, 2006 AND FOR FILING OF OPPOSITION/CROSS MOTION FOR
SUMMARY JUDGMENT BY SCHOOL COMMITTEE DEFENDANTS TO AND
INCLUDING FEBRUARY 23, 2006**

Pursuant to this court's order entered on January 11, 2006 and Local Rule 37.1, plaintiffs and defendants the School Committee of the Town of Sharon and its individual members (collectively "the School Committee defendants") respectfully move the court for an order extending the dates (1) by which plaintiffs must produce requested documents to and including February 7, 2006 and (2) by which the School Committee defendants must file an opposition to plaintiffs' motion for summary judgment and a cross motion for summary judgment to and including February 23, 2006. The grounds for this motion are as follows:

1. On January 11, 2006, this court entered an order deciding the School Committee defendants' motion to dismiss and motion to strike regarding plaintiffs' motion for summary judgment, both of which were premised in part on plaintiffs' failure to provide documents requested in a Rule 34 request by the School Committee defendants which had been served on June 8, 2005. In its order, this court required plaintiffs to make the requested production and to file a Local Rules-compliant summary judgment motion no later than January 26, 2006 [copy attached as Exh. A]. Failing compliance with this deadline, the court stated that it would "impose appropriate sanctions and/or reconsider the School Committee's motion to dismiss" [Exh. A]. In addition, the court extended the time for the School Committee defendants to oppose summary judgment and to cross move for summary judgment to February 9, 2006, based on "this conditional extension of discovery deadlines" [Exh. A].

2. On the extended deadline date set by the court, January 26, 2006, plaintiffs filed and served a motion for summary judgment. They did not, however, produce the requested documents. Accordingly, the School Committee defendants began preparation of a motion for the sanction of dismissal based on this failure, pursuant to Fed. R. Civ. P. 37(b)(2)(C). In accordance with Local Rule 37.1, counsel for the School Committee defendants held a conference with plaintiffs' counsel on February 3, 2006, in an effort to resolve in good faith the dispute. Plaintiffs' counsel represented that she has been involved in a trial and that production will be made no later than February 7, 2006.

3. As a result of that conference, the parties agreed that the requested documents will be produced by February 7, 2006 and that the School Committee defendants may have an extension of two weeks, to and including February 23, 2006, from the conditional deadline set by this court, to file an opposition to the summary judgment motion and a cross motion.

The parties therefore respectfully request that a modification of the dates set forth in the January 11 order be made as set forth herein.

PARENTS OF DANIELLE
By their attorneys,

SHARON SCHOOL COMMITTEE, et al.
By their attorneys,

/s/ Alanna C. Cline

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Date: February 3, 2006

CERTIFICATE OF SERVICE

I, John Foscett, certify that I understand that counsel of record will receive electronic notice of the electronic filing of this pleading.

/s/ John Foscett

John Foscett

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